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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Sarra Harbaoui Cardoso,

7 Plaintiff,

8 v.

9 Hat World, et al.

10 Defendants.

Case No. 2:24-cv-02164-GMN-DJA

Order

11 Pro se Plaintiff Sarra Harbaoui Cardoso filed an application to proceed *in forma pauperis*.
12 (ECF No. 7). However, Plaintiff's application is missing certain information. The Court thus
13 denies Plaintiff's application without prejudice.

14 **I. Discussion.**

15 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of
16 fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the
17 plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized
18 that "there is no formula set forth by statute, regulation, or case law to determine when someone
19 is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235
20 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but
21 he must demonstrate that because of his poverty he cannot pay those costs and still provide
22 himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339
23 (1948).

24 The applicant's affidavit must state the facts regarding the individual's poverty "with
25 some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940
26 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her
27 poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial
28 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271

1 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
2 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his
3 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's
4 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
5 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
6 grounds for denying an *in forma pauperis* application. *Cf. Kennedy v. Huibregtse*, 831 F.3d 441,
7 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
8 *in forma pauperis* application).

9 Plaintiff's application is incomplete. While she purports to receive wages, she does not
10 include her employer's name and address in response to question 2. Additionally, she asserts that
11 she receives \$1,500 gross and take-home wages, but does not identify the pay period in which she
12 receives these wages other than stating "different." Plaintiff also indicates in response to question
13 3 that she receives additional income from her business, profession, or self-employment, and
14 writes "uber" beside the box she checks, but she does not complete the rest of the question
15 because she does not state the amount she received and what she expects to receive in the future.

16 Because Plaintiff's application is not complete, the Court cannot determine whether
17 Plaintiff qualifies for *in forma pauperis* status. The Court will give Plaintiff one opportunity to
18 file a complete *in forma pauperis* application. The Court further orders that Plaintiff may not
19 respond with a zero or "not applicable" in response to any question without providing an
20 explanation for each of the questions. Plaintiff also may not leave any questions blank. Plaintiff
21 must describe each source of money that she receives, state the amount she received, and what
22 she expects to receive in the future.

23 The Court denies Plaintiff's *in forma pauperis* application without prejudice. The Court
24 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
25 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
26 Since the Court denies Plaintiff's application, it does not screen the complaint at this time.

1 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
2 *pauperis* (ECF No. 7) is **denied without prejudice**.

3 **IT IS FURTHER ORDERED** that Plaintiff has until **April 21, 2025**, to file an updated
4 application to proceed *in forma pauperis* as specified in this order or pay the filing fee. Failure to
5 timely comply with this order may result in a recommendation to the district judge that this case
6 be dismissed.

7 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
8 a copy of this order and of the short form application to proceed *in forma pauperis* and its
9 instructions.¹

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11 DATED: March 21, 2025

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15 DANIEL J. ALBREGTS
16 UNITED STATES MAGISTRATE JUDGE
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28 ¹ This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 240.